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**HIGH COURT OF CHHATTISGARH, BILASPUR**

**W.P.(S) No. 6891 of 2007**

**PETITIONER** Uday Singh Gautam, S/o Shri Samaliya Singh Gautam, Age about 43 years, Assistant Teacher, Govt. Primary School, Bhatapara, Berla, District Durg (C.G.)

***Versus***

**RESPONDENTS**

1. State Govt. of Chhattisgarh, Through : The Secretary, Education & Tribal Welfare Department, D.K.S. Bhawan, Raipur (C.G.)
2. District Education Officer, District Durg (C.G.)

**(Writ Petition under Article 226 of the Constitution of India)**

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**Appearance:**

Shri Somkant Verma, counsel for the petitioner.

Ms. Sunita Jain, Panel Lawyer for the State on advance copy.

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**ORAL ORDER**
**(20.11.2007)**

**SUNIL KUMAR SINHA, J.**

Heard on admission.

Learned counsel for the petitioner submits that the petitioner has passed B.Ed. examination on his own expenses, therefore, he is entitled to receive two advance increments according to circulars dated 24.12.1998 and 01.03.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of ***Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}.*** He submits that the case of the petitioner is squarely covered by the said Judgment.

This legal position is not disputed by the learned counsel for the State. However, she submits that the order may be passed in terms of the said judgment, but it shall be subjected to verification regarding petitioner's such qualification.

Accordingly, this writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra)* subject to verification of the facts as to whether the petitioner had

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acquired B.Ed. Examination Certificate on his own expenses as per circulars dated 24.12.1998 and 01.03.1999 and further whether he has been paid two advance increments or not.

The petition stands finally disposed of. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

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